

REMARKS

Claims 12-31 are pending in the application with claims 12, 21 and 24 being independent claims. Applicants respectfully request reconsideration of the Application in light of the above amendment and the following remarks.

Interview Summary

Applicants appreciate the courtesies extended during the personal interview conducted on August 17, 2004. During the interview, independent claims 12, 21 and 24 were discussed with respect to the Younker and Bailey patents. With respect to independent claim 12, Applicants' representatives stated that the cited references lacked sufficient disclosure to teach every limitation of the claim. It was further noted that the cited references lacked sufficient motivation for their combination. The Examiner suggested that the Applicants submit the substance of these arguments in response to the Office Action. Regarding claim 21, Applicants' representatives noted that the Bailey patent failed to disclose or suggest "locking the mock anatomical site" as recited in the claim. The Examiner argued that many actual medical procedures could involve externally locking a body part in place prior to performing the procedure. During the interview, Applicants understood the Examiner to indicate that claim 24 would be allowed. Agreement was not reached with respect to claims 12 and 21.

The Claims are Patentable over the Younker Patent and the Bailey Patent

Claims 12-14, 18-22, 24-25 and 29-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,951,301 to Younker ("the Younker patent") in view of U.S. Patent No. 5,800,179 to Bailey ("the Bailey patent").

The Younker patent discloses an endoscopic simulation system having a simulated torso and interchangeable "procedure packs" that can be selectively positioned within a cavity in the

torso. Simulated endoscopic tools are inserted through openings in the simulated torso and are can engage the procedure packs to simulate a medical procedure.

The Bailey patent discloses a minimally invasive medical procedure simulator. The device disclosed in the Bailey patent includes a housing (Fig. 2, 1) having an opening (Fig. 2, 9) in which an implement (Fig. 2, 2) can be inserted. The Bailey patent states that to simulate a “true minimally invasive surgical instrument, the implement 2 may be moved axially (or laterally) and rotationally relative to the housing” (col. 5, ll. 27-29).

Independent Claim 12 and its Dependent Claims

Claim 12 recites “a resiliency-providing material disposed between the mock anatomical site and a sensing assembly.” The Examiner cites the Younker patent at col. 5, lines 13-22 and 54-58 in support of the position that the Younker patent discloses such a configuration. The cited disclosure, however, refers to the mock anatomical site itself, not a “resiliency-providing material disposed between the mock anatomical site and a sensing assembly” as recited in claim 12.

During the Examiner Interview, the Examiner suggested that the sensor assembly of the Bailey patent could be positioned beneath a resilient “procedure pack” in the device of the Younker patent. Applicants respectfully disagree. Placing a sensor assembly as disclosed in the Bailey patent beneath the procedure packs of the Younker patent would essentially eviscerate the purpose of the Bailey sensor. The sensor of the Bailey patent is only useful to the extent that the peripheral device engages the sensor. The peripheral devices (i.e., surgical instruments) used in the Younker patent engage the procedure packs to simulate medical procedures. A sensor such as that disclosed in the Bailey patent that is placed beyond the reach of the peripheral device, such that the sensor is not engaged by the peripheral device, would not function as intended in

the Bailey patent. Thus, the proposed combination of the Bailey patent is improper because the intended function is destroyed.

For at least these reasons, independent claim 12 is allowable over the cited references, either alone or in combination. Based at least on their dependence upon independent claim 12, dependent claims 13-14 and 18-20 are also allowable.

Independent Claim 21 and its Dependent Claims

Claim 21 recites “pivoting via a pivoting mechanism a mock anatomical site to a desired position, the mock anatomical site having an orifice” and “locking the mock anatomical site in the desired position using a locking assembly coupled to the pivoting mechanism.” As noted by the Examiner, the Younker patent does not disclose that the apparatus is pivotable or lockable in a desired position. The Bailey patent fails to disclose or suggest “locking the mock anatomical site in the desired position using a locking assembly coupled to the pivoting mechanism” as recited in claim 21. For at least this reason, independent claim 21 is allowable over the cited references, either alone or in combination. Based at least on its dependence upon independent claim 21, dependent claim 22 is also allowable.

Independent Claim 24 and its Dependent Claims

As discussed during the Examiner Interview, claim 24 is allowable over the cited references. Based at least on their dependence upon independent claim 24, dependent claims 25 and 29-31 are also allowable.

The Claims are Patentable over the Younker Patent and the Bailey Patent

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Younker patent in view of the Bailey patent and further in view of U.S. Patent No. 4,439,162 to Blaine.

Based at least on its dependence upon independent claim 21, dependent claim 23 is also allowable over the cited references, either alone or in combination.

Allowable Subject Matter


Applicants appreciate the Examiner's indication of allowable subject matter in the application. A statement of reasons for allowable subject matter was set forth by the Examiner. While the Applicants agree that claims 15-17 and 26-28 are allowable for at least the reasons set forth in the Examiner's statement, the Applicants submit that the invention as recited by the claims and as described in the present application may be patentable over the art of record for reasons in addition to those listed in the Examiner's statement. For example, Applicants note that the Examiner's statement paraphrases language of the presently allowable claims. The claims contain recitations in addition to those stated by the Examiner that may provide additional bases for patentability over the art of record. The Applicants reserve the right to pursue claims of different scope than those in the present application. For example, such claims may not necessarily need to include the elements identified in the Examiner's statement.

CONCLUSION

All rejections have been addressed. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,
COOLEY GODWARD LLP

By: 
Erik B. Milch
Reg. No. 42,887

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Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656
Tel: (703) 456-8000
Fax: (703) 456-8100

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